**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 9861 of 2004**

Between:
1 S.K. Khairun Bee, W/o Mahaboob Basha, age 40 years,
F.P. Shop Dealer No.147, Kurnool Urban, Kurnool District.
2 Smt. B. Arunadevi, W/o Srinivasa Reddy, age 35 years,
F.P. Shop Dealer No.140, Kurnool Urban, Kurnool District.

**....**
**PETITIONERS**

AND

1 The District Collector, (Civil Supply), Kurnool.
2 The Revenue Divisional Officer, Kurnool.
3 The Assistant Supply Officer, Kurnool.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents calling the applications for filluping the F.P. Shops and interviews held on 17th June 2004 of the petitioners is without notice to the petitioners and termination orders is illegal arbitrary and against the Articles 14 and 19 of the constitution of India and principle of natural justice.

Counsel for the Petitioners : MR.S.GIRIMOJI RAO, Advocate.

Counsel for the Respondent Nos.1 to 3 : GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

Petitioners were appointed as temporary Fair Price Shop Dealers for Shop Nos.147 and 140 of Kurnool Town, Kurnool Urban, Kurnool District. According to the petitioners even though they are continuing as Fair Price Shop Dealers, the second respondent issued notification inviting applications for filling up of the posts in which the petitioners are working. Therefore, the said action is illegal and without jurisdiction.

2. A perusal of the orders under which the petitioners were appointed as Fair Price Shop Dealers shows that they are appointed only on temporary basis while the present notification issued by the second respondent shows that applications are called for appointment on permanent basis. When the petitioners are working on temporary basis, there is no prohibition for the second respondent to issue notification calling upon the applications for filling up of the posts on permanent basis. If the petitioners are eligible, they can as well apply and participate for selection along with the other similar applicants. Therefore the petitioners have no right to question the said notification issued by the second respondent.

3. The writ petition is accordingly dismissed as devoid of merits. No costs.

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S. ANANDA REDDY, J

23rd June, 2004.

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To
1 The District Collector, (Civil Supply), Kurnool.
2 The Revenue Divisional Officer, Kurnool.
3 The Assistant Supply Officer, Kurnool.

4 Two CCs to the Government Pleader for Civil Suplies, High Court Buildings, Hyderabad. (O.U.T)

5 Two CD copies.